

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 2111 – HB 2275

April 2, 2018

SUMMARY OF ORIGINAL BILL: Establishes that an art gallery receiving 80 percent of its revenue from the sale of artwork may serve wine to patrons of such art gallery without charge.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENTS (014970, 016437): Amendment 014970 deletes all language after the enacting clause and authorizes a museum in Hamilton County to sell alcoholic beverages for on-premises consumption.

Amendment 016437 adds language to the proposed legislation to designate sports facilities at Middle Tennessee State University (MTSU) as a sports authority facility, for the purpose of selling alcoholic beverages for on-premises consumption.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

**Increase State Revenue - \$600/One-Time/ABC Fund
\$4,000/Recurring/ABC Fund
\$34,200/Recurring/General Fund**

Increase Local Revenue - \$27,200/Recurring/Permissive

Assumptions for the bill as amended:

Museum – Hamilton County

- This legislation applies to one museum in Hamilton County.
- There is an initial application fee of \$300 and a \$2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be \$300 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.

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- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales.
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Hamilton County is 2.25 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY18-19.
- Based on the interquartile average of 2017 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately \$120,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size of this particular venue, the recurring increase in sales is estimated to be 50 percent of the average taxable base, or \$60,000 ($\$120,000 \times 50\%$) per year.
- The recurring increase in state revenue to the General Fund is estimated to be \$8,548 [$(\$60,000 \times 7.0\%) - (\$60,000 \times 7.0\% \times 3.617\%) + (\$60,000 \times 15.0\% \times 50.0\%)$].
- The recurring increase in local revenue is estimated to be \$6,302 [$\$300 + (\$60,000 \times 2.25\%) + (\$60,000 \times 7.0\% \times 3.617\%) + (\$60,000 \times 15.0\% \times 50.0\%)$].
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

MTSU - Sport Authority Facility

- This legislation also applies to sports facilities located on the MTSU campus in Murfreesboro, Rutherford County.
- There is an initial application fee of \$300 and a \$2,000 annual fee payable to the Tennessee Alcoholic Beverage Commission (ABC).
- No additional personnel or resources will be required by the ABC.
- Local privilege tax is estimated to be \$2,000 annually. Any increase in local government expenditures for collecting local privilege taxes is estimated to be not significant.
- State and local sales taxes and a 15.0 percent liquor-by-the-drink (LBD) tax will be assessed on alcoholic beverage sales. \
- The current state sales tax rate is 7.0 percent; the local option sales tax rate in Rutherford County is 2.75 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- Pursuant to Tenn. Code Ann. § 57-4-306(a), 50.0 percent of the 15.0 percent LBD tax is allocated to the state General Fund and 50.0 percent is distributed to the local government.
- It is assumed that the establishment will begin selling alcohol in FY18-19.

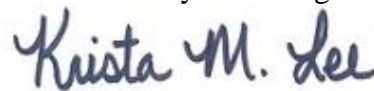
- Based on the interquartile average of 2017 LBD tax returns and assuming reasonable growth rates in LBD tax collections, the average taxable base per establishment is estimated to be approximately \$120,000 per year.
- Given current limitations on the availability of LBD sales data by venue type and size, it is assumed that there are three venue-type categories: smaller than average; average; and larger than average. For the purpose of estimating the tax base for entities authorized to conduct LBD sales pursuant to legislation, the following ratios relative to the average LBD taxable base for all sized entities are utilized: 50 percent for smaller than average; 100 percent for average; and 150 percent for larger than average.
- Given the size and location of this particular venue, the recurring increase in sales is estimated to be 150 percent of the average taxable base, or \$180,000 (\$120,000 x 150%) per year.
- The recurring increase in state revenue to the General Fund is estimated to be \$25,644 $[(\$180,000 \times 7.0\%) - (\$180,000 \times 7.0\% \times 3.617\%) + (\$180,000 \times 15.0\% \times 50.0\%)]$.
- The recurring increase in local revenue is estimated to be \$20,905 $[\$2,000 + (\$180,000 \times 2.75\%) + (\$180,000 \times 7.0\% \times 3.617\%) + (\$180,000 \times 15.0\% \times 50.0\%)]$.
- Any revenue collected from any state or local taxes imposed on manufacturers or wholesalers is estimated to be not significant.

Total Impacts to State Revenue, Local Revenue, and the ABC

- The total recurring increase to state revenue is estimated to be \$34,192 (\$8,548 + \$25,644).
- A one-time increase in state revenue to the ABC of \$600 (\$300 + \$300) and a recurring increase in state revenue to the ABC of \$4,000 (\$2,000 + \$2,000).
- The total recurring increase in local revenue is estimated to be \$27,207 (\$6,302 + \$20,905).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

/jdb